

NA:TINI-X'WE'NA:XO'-XI-NAYI-DIN

[The people's get well place]

COURT CODE

Of The

Hoop Valley Tribe

TITLE 4A

Hoop Valley Tribal Code

Approved October 24, 2002

Ordinance No: 02-01

-

TABLE OF CONTENTS

1.	SHORT TITLE, PURPOSE, AND DEFINITIONS	4
A.	Short Title	4
B.	Purpose	4
C.	Definitions	4
2.	JURISDICTION OF THE COURT	4
3.	NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT PROCEDURE	5
A.	Non-Criminal Proceedings	5
B.	Use in Other Proceedings	5
C.	Rules of Procedure	5
4.	RELATIONS WITH OTHER AGENCIES	5
A.	Cooperation and Grants	5
B.	Social Services	5
C.	Contracts	5
D.	Transfers from Other Courts	5
5.	NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT PERSONNEL	6
6.	RIGHTS OF PARTIES IN NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT PROCEEDINGS	6
A.	Right to be Informed of the Requirements of Participation	6
B.	Right to Timely Clinical Assessment and the Development of an Individualized Treatment Plan	6
C.	Right to Access Services Under Treatment Plan	6
D.	Right to Case Management Services	6
7.	INITIATION OF PROCEEDINGS	6
A.	Admission.....	6
B.	Investigation by Probation Officer	6
C.	Legal Screening for Eligibility	7
D.	Clinical Screening for Eligibility	7
E.	Informal Adjustment Conference	7
F.	Court-Ordered Participation	8
8	INITIAL NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT HEARING	8
A.	Purpose and Conduct of Na:tini-x'we' Na:xo'-xi-nayi-din Court Admission Hearing	8
B.	Review and Signing of Decrees.....	9
C.	Persons Not Admitted to Na:tini-x'we' Na:xo'-xi-nayi-din Court	9
C.	Time Limitations on Na:tini-x'we' Na:xo'-xi-nayi-din Court Admission Hearing	9
E.	Notice of Hearing	9
F.	Drafting, Filing, and Contents of Na:tini-x'we' Na:xo'-xi-nayi-din Consent Decree	10
G.	Contents of Na:tini-x'we' Na:xo'-xi-nayi-din Consent Decree	10
9.	SAMPLE NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN CONSENT DECREE	11

10.	NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN TREATMENT PLAN	13
A.	Clinical Assessment and Individualized Treatment Plan	13
B.	Assessor's Duty to Timely Assess and Individualize Treatment Plan and Breach of Duty	13
C.	Contents of Treatment Plan	13
D.	Case Management	13
E.	Judicial Supervision, Consistent Supervision, and Training	14
F.	Na:tini-x'we' Na:xo'-xi-nayi-din Court Incentives.....	14
G.	Na:tini-x'we' Na:xo'-xi-nayi-din Court Sanctions.....	14
11.	NA:TINI-X'WE' NA:XO'-XI-NAYI- DIN COURT WEEKLY PROCEDURE	14
A.	Weekly Staffing Conference	14
B.	Weekly Na:tini-x'we' Na:xo'-xi-nayi-din Court Status Hearing.....	15
C.	Weekly Random Alcohol and/ or Drug Testing	15
D.	Weekly Pre-Hearing and/or For Cause Drug Testing	15
12.	REVOCATION OR ADMISSION TO NA:TINI-X'WE' NA:XO'-XI-NAYI- DIN COURT	15
A.	Hearing to Revoke Admission to Na:tini-x'we' Na:xo'-xi-nayi-din Court	15
B.	Notice of Hearings	16
C.	Content of the Summons	16
D.	Service of the Summons	16
13.	SUCCESSFUL COMPLETION OF NA:TINI-X'WE' NA:XO'-XI-NAYI- DIN COURT PROGRAM	16
A.	Na:tini-x'we' Na:xo'-xi-nayi-din Court Graduation	16
B.	Contents of Na:tini-x'we' Na:xo'-xi-nayi-din Court Order of Successful Completion	16
14.	NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT RECORDS	17
15.	BI-ANNUAL NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT REVIEW	18
	CERTIFICATION	18

1. SHORT TITLE, PURPOSE, AND DEFINITIONS

A. Short Title

This title shall be known as the "Hoopa Valley Tribe Na:tini-x'we' Na:xo'-xi-nayi-din Court Code."

B. Purpose

The Hoopa Valley Tribe Na:tini-x'we' Na:xo'-xi-nayi-din Court Code shall be liberally interpreted and construed to fulfill the following expressed purposes:

1. To preserve and retain the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of children coming within the provisions of this code;
2. To recognize that alcohol and substance abuse is a disease which is both preventable and treatable;
3. To remove from children committing juvenile offenses, the legal consequences of criminal behavior and to substitute a program of supervision, care, and rehabilitation consistent with the protection of the Hoopa Valley Tribal Community;
4. To achieve the purposes of this code in a family environment whenever possible, separating the child from the child's parents only when necessary for the child's welfare or in the interests of public safety; and
5. To provide a continuum of services for children and their families from prevention to residential treatment, with emphasis whenever possible on prevention, early intervention and community-based alternatives.

C. Definitions

The definitions for this code are the same as the definitions used in section 1C of the Hoopa Valley Tribe E:sdo' Na:Na: Xi:nay Code.

2. JURISDICTION OF THE COURT

There is hereby established for the Hoopa Valley Tribe of the Hoopa Indian Reservation a court to be known as the Hoopa Valley Tribe Juvenile Na:tini-x'we' Na:xo'-xi-nayi-din Court. The court has jurisdiction over all proceedings in this code in which an Indian child resides in or domiciled on the reservation or where other persons consent to the court's jurisdiction.

The Na:tini-x'we' Na:xo'-xi-nayi-din court shall have the authority to issue all orders necessary to insure the safety, well-being, and rehabilitation of individuals who come within or consent to its jurisdiction. The court shall have the power to implement all the duties, responsibilities, and remedies set out in this Code, including the power to enforce subpoenas and orders of restriction, fines and orders of restitution, contempt, confinement and detention, and other powers as appropriate.

3. NA:TINI-X'WE' NA:XO'-XI-NAYI- DIN COURT PROCEDURE

A. Non-Criminal Proceedings

No proceeding or hearing upon the status of any child in the jurisdiction of the court shall be deemed criminal or be deemed a conviction or adjudication of any crime or disqualify him from any tribal personnel system or military service application, election or appointment or from holding tribal office.

B. Use in Other Proceedings

No material, action, or other evidence presented before the court or in any activities pursuant to this court shall be deemed admissible as evidence against the child in any proceeding in another court, including the tribal court except as may be necessary for Constitutional Double Jeopardy proceedings.

C. Rules of Procedure

The procedures in the court shall be governed by the Hoopa Valley Tribe Na:tini-x'we' Na:xo'-xi-nayi-din Court Policy and Procedures Manual.

4. RELATIONS WITH OTHER AGENCIES

A. Cooperation and Grants

The court is authorized to cooperate fully with any federal, state, tribal, public or private agency in order to participate in any diversion, rehabilitation or training program and to receive grants-in-aid to carry out the purposes of this code.

B. Social Services

The court shall utilize such social services as may be furnished by any tribal, federal, or state agency provided that it is economically administered without unnecessary duplication and expense.

C. Contracts

The court may negotiate contracts with tribal, federal or state agencies and/or departments on behalf of the tribal council for the substance, mental health, or other treatment of children and eligible household members who have entered informal adjustment agreements, consent decrees, Na:tini-x'we' Na:xo'-xi-nayi-din consent decrees, or who have been adjudicated delinquent by the juvenile court.

D. Transfers from Other Courts

The court may accept or decline transfers from other state or tribal courts involving alleged delinquent children or alleged status offenders for participation in juvenile Na:tini-x'we' Na:xo'-xi-nayi-din court and may allow transfer to other state or tribal courts of any person legally ineligible for the Court or any non tribal member.

5. NA:TINI-X'WE' NA:XO'-XI-NAYI- DIN COURT PERSONNEL

“Personnel” under this code are the personnel described in section 8 of the Hoopa Valley Tribe E:sdo' Na:Na: Xi:nay Code.

6. RIGHTS OF PARTIES IN NA:TINI-X'WE' NA:XO'-XI-NAYI- DIN COURT PROCEEDINGS

A. Right to be Informed of the Requirements of Participation

All Na:tini-x'we' Na:xo'-xi-nayi-din court participants have the right to be informed of the requirements of Na:tini-x'we' Na:xo'-xi-nayi-din court participation prior to signing the Na:tini-x'we' Na:xo'-xi-nayi-din consent decree as outlined in sections 7E, 7F, 8B, and 9 of this code.

B. Right to Timely Clinical Assessment and Development of an Individualized Treatment Plan

All Na:tini-x'we' Na:xo'-xi-nayi-din court participants have the right to timely clinical assessment and the development of an individualized treatment plan as outlined in section 10A of this Code.

C. Right to Access Services Under Treatment Plan

Every Na:tini-x'we' Na:xo'-xi-nayi-din court participant has the right to access the services outlined in his/her individual treatment plans prepared under Section 10B of this Code and any other services and treatment the participant is willing and able to complete without cost to the Tribe.

D. Right to Case Management Services

All Na:tini-x'we' Na:xo'-xi-nayi-din court participants have the right to case management services to ensure that they are able to meet the requirements of their individual treatment plans as outlined in section 10C of this Code.

7. INITIATION OF PROCEEDINGS

A. Admission

Admission into the Na:tini-x'we' Na:xo'-xi-nayi-din court shall occur upon:

1. a recommendation from the probation officer and approval by Na:tini-x'we' Na:xo'-xi-nayi-din court team by majority agreement. Any child or eligible family or household member wishing to be admitted to Na:tini-x'we' Na:xo'-xi-nayi-din court must first make a request to the probation officer; or
2. by the judicial order of a juvenile court judge.

B. Investigation by Probation Officer

The probation officer shall make an investigation within twenty-four (24) hours of receiving a report of delinquency or a report of family in need of services to determine whether the interest of the juvenile and the public require that further action be taken. If

the investigation reveals a need for further action, the probation officer shall screen the child for legal and clinical eligibility for Na:tini-x'we' Na:xo'-xi-nayi-din court admission.

C. Legal Screening for Eligibility

Following an investigation, and given a reasonable belief that a child has committed a delinquent act, or that the child's family is a family in need of services, the probation officer shall legally screen the individual for Na:tini-x'we' Na:xo'-xi-nayi-din court eligibility. The following individuals for so long as the Na:tini-x'we' Na:xo'-xi-nayi-din Court receives Federal grant funding are **not eligible** to participate in the Na:tini-x'we' Na:xo'-xi-nayi-din Court under this Code:

1. individuals who have been convicted of a violent felony where in committing the offense the person carried, used or possessed a firearm or dangerous weapon and/or there occurred death, serious bodily injury or use including attempted use of force against the person of another;
2. individuals who have pending felony charges in tribal, state, or federal court, where facts supporting the charged offense establish the person carried used or possessed a firearm or dangerous weapon and/or there occurred death, serious bodily injury or use including attempted use of force against the person of another;
3. individuals who are over the age of 18 at the time the eligibility screening is concluded, excluding otherwise eligible family members or otherwise eligible household members of a current Na:tini-x'we' Na:xo'-xi-nayi-din court participants.

D. Clinical Screening for Eligibility

Following an investigation, and given a reasonable belief that a child has committed a delinquent act, or that the child's family is a family in need of services, and provided that the individual is legally eligible under section 7C. above, the probation officer shall clinically screen the individual for Na:tini-x'we' Na:xo'-xi-nayi-din court eligibility using a standard alcohol and/or drug screening tool. The following individuals are **not eligible** to participate in the Na:tini-x'we' Na:xo'-xi-nayi-din court under this code:

1. individuals and/or immediate family who do not have an alcohol and/or drug use problem; and/or
2. individuals who will not benefit from the available educational and therapeutic services and activities.

E. Informal Adjustment Conference

If a child is legally and clinically eligible for Na:tini-x'we' Na:xo'-xi-nayi-din court participation, the probation officer may hold an informal adjustment conference prior to the filing of a petition pursuant to Section 12D. of the juvenile code. At this conference, the probation officer shall explain the following to the eligible child and his parent, guardian, or custodian and may obtain their signatures on a Na:tini-x'we' Na:xo'-xi-nayi-din consent decree:

1. the reasonable grounds to believe that the child committed a delinquent act or that the family is a family in need of services;
2. the purpose, requirements, duration, and possible sanctions of the Na:tini-x'we' Na:xo'-xi-nayi-din court program;
3. that a decision not to consent to Na:tini-x'we' Na:xo'-xi-nayi-din court participation may result in the filing of a petition with a juvenile court having jurisdiction;
4. that a failure to complete the Na:tini-x'we' Na:xo'-xi-nayi- din court treatment plan pursuant to the consent decree may also result in the filing of a petition with a juvenile court having jurisdiction; and
5. that admission to the Na:tini-x'we' Na:xo'-xi-nayi-din court is conditioned on obtaining the signatures of a parent, guardian, or custodian, the child, or other eligible family or household member, and a vote of admission by the Na:tini-x'we' Na:xo'-xi-nayi-din court team, and upon completing a formal clinical assessment.

F. Court-Ordered Participation

If a child who is legally and clinically eligible for Na:tini-x'we' Na:xo'-xi-nayi-din court is adjudicated delinquent, the juvenile court judge may order Na:tini-x'we' Na:xo'-xi-nayi-din court participation as part of the child's disposition pursuant to Section 16E of the juvenile code. During the juvenile court disposition hearing, the judge shall explain the following to the eligible child and his parent(s), guardian, or custodian, enter into a Na:tini-x'we' Na:xo'-xi-nayi-din consent decree with these parties to enter the Na:tini-x'we' Na:xo'-xi-nayi-din court, and order that a clinical assessment be made:

1. the finding that the child committed a delinquent act;
2. the purpose, requirements, duration, and possible sanctions of the Na:tini-x'we' Na:xo'-xi-nayi-din court program;
3. that a decision not to consent to Na:tini-x'we' Na:xo'-xi-nayi-din court participation may result in an alternative juvenile court disposition;
4. that a failure to complete the Na:tini-x'we' Na:xo'-xi-nayi- din treatment plan pursuant to the consent decree may result in an alternative juvenile court disposition; and
5. that admission to Na:tini-x'we' Na:xo'-xi-nayi-din court is conditioned on obtaining the signatures of a parent, guardian, or custodian, and the child, or other eligible family or household member, and the juvenile court judge on the Na:tini-x'we' Na:xo'-xi-nayi-din consent decree, and upon the completion of a formal clinical assessment.

8. INITIAL NA:TINI-X'WE' NA:XO'-XI-NAYI- DIN COURT HEARING

A. Purpose and Conduct of Na:tini-x'we' Na:xo'-xi-nayi-din Court Admission Hearing

The Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall preside over the Na:tini-x'we' Na:xo'-xi-nayi-din court admission hearing. The Na:tini-x'we' Na:xo'-xi-nayi-din court

coordinator, probation officer, and the alcohol and drug counselor shall attend the Na:tini-x'we' Na:xo'-xi-nayi-din court admission hearing.

The Na:tini-x'we' Na:xo'-xi-nayi-din court admission hearing shall be conducted as part of the ongoing weekly Na:tini-x'we' Na:xo'-xi-nayi-din court status hearings. At the beginning of each weekly Na:tini-x'we' Na:xo'-xi-nayi-din court status hearing, the judge shall call newly admitted participants before him to welcome them to the Na:tini-x'we' Na:xo'-xi-nayi-din court program, to review the grounds and terms of their admission, to briefly get to know the new participants, and to instruct and answer questions about treatment plan requirements and alcohol and/ or drug testing.

B. Review & Signing of Decrees

The Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall read the contents of the Na:tini-x'we' Na:xo'-xi-nayi-din consent decree to the child, his parent(s), guardian, or custodian, and other eligible family or household member(s). The judge shall ask them questions to satisfy himself that the potential participants understand and consent to participation in the Na:tini-x'we' Na:xo'-xi-nayi-din court. If the judge finds that the child or other eligible family or household member understands and consents to the terms, he shall sign the Na:tini-x'we' Na:xo'-xi-nayi-din consent decree admitting the individual to the program.

The Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall review the contents of the Na:tini-x'we' Na:xo'-xi-nayi-din consent decree signed by the juvenile court judge with the child or eligible family/household member and admit them to participate in the Na:tini-x'we' Na:xo'-xi-nayi-din court.

C. Persons Not Admitted to Na:tini-x'we' Na:xo'-xi-nayi-din Court

The Na:tini-x'we' Na:xo'-xi-nayi-din court team may decline to admit any child, family or household member who has been referred to Na:tini-x'we' Na:xo'-xi-nayi-din court by the probation officer as part of an informal adjustment. Children who are not admitted shall return to the juvenile court for a new informal adjustment conference to determine other options. For each child, eligible family or other eligible household member who is not admitted, the Na:tini-x'we' Na:xo'-xi-nayi-din court team must issue written findings containing their reason for declining admission.

D. Time Limitations on Na:tini-x'we' Na:xo'-xi-nayi-din Court Admission Hearing

Na:tini-x'we' Na:xo'-xi-nayi-din court admission hearings shall be held within seven working days of the informal adjustment conference or disposition hearing wherein the consent decree or Na:tini-x'we' Na:xo'-xi-nayi-din consent decree was signed by the child and his parent, guardian, or custodian. Failure to hold the hearing within this time period does not divest the Na:tini-x'we' Na:xo'-xi-nayi-din court of its subject matter jurisdiction, but may constitute a breach of the tribe's duty of care to tribal members, giving the harmed tribal member limited remedies but in no event shall any monetary compensation exceed \$500.00.

E. Notice of Hearing

Written notice of the Na:tini-x'we' Na:xo'-xi-nayi-din court admission hearing shall be given to the child, his parent, guardian, or custodian, or other eligible family or household

member as soon as the time for the hearing has been set. The notice shall contain:

1. The name of the court;
2. The title of the proceeding (Na:tini-x'we' Na:xo'-xi-nayi-din Court Admission Hearing);
3. A brief statement of the delinquent act the child is alleged to have committed or why the family is in need of services; and
4. The date, time, and place of the Na:tini-x'we' Na:xo'-xi-nayi-din court admission hearing.

F. Drafting, Filing, and Contents of Na:tini-x'we' Na:xo'-xi-nayi-din Consent Decree

The probation officer shall draft a consent decree or Na:tini-x'we' Na:xo'-xi-nayi-din consent decree for each recommended or court ordered participant and file copies of the decree with the juvenile court and Na:tini-x'we' Na:xo'-xi-nayi-din court. The consent decrees shall set forth with specificity the information and agreements contained in section 8G of this Code.

G. Contents of Na:tini-x'we' Na:xo'-xi-nayi-din Consent Decree

The decree shall be titled "[Na:tini-x'we' Na:xo'-xi-nayi-din] Consent Decree Between _____ (name of child and parent, guardian, or custodian) and the Hoopa Valley Tribe Juvenile Na:tini-x'we' Na:xo'-xi-nayi-din Court." The decree shall set forth with specificity:

1. the name, birth date, residence, and tribal affiliation of the child;
2. the names, residences, and tribal affiliations of the child's parent(s), guardian or custodian;
3. the name, birth date, residence, and tribal affiliation of other eligible family members or eligible household members (if they are consenting to participate in the Na:tini-x'we' Na:xo'-xi-nayi-din court);
4. the alleged "delinquent act" committed or the factual allegations that the family is a "family in need" or dispositional order ordering the child to Na:tini-x'we' Na:xo'-xi-nayi-din court;
5. in the case of voluntary participation, a stipulation by the child, his parent, guardian, or custodian or other eligible family or household member, that he committed the delinquent act or that the facts giving rise to a finding of a family in need are true;
6. a finding of legal eligibility for Na:tini-x'we' Na:xo'-xi-nayi-din court participation;
7. a finding of clinical eligibility for Na:tini-x'we' Na:xo'-xi-nayi-din court participation;
8. the general requirements of Na:tini-x'we' Na:xo'-xi-nayi-din court (including alcohol and/ or drug testing), duration, and possible sanctions of Na:tini-x'we' Na:xo'-xi-nayi-din court participation;

9. a limited waiver of confidential information for Na:tini-x'we' Na:xo'-xi-nayi-din court purposes; and
10. signature lines for the probation officer, child or other participant, the child's parent, guardian, or custodian, and the juvenile or Na:tini-x'we' Na:xo'-xi-nayi-din court admission judge.

9. SAMPLE NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN CONSENT DECREE

IN THE HOOPA VALLEY TRIBE JUVENILE NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT

THE HOOPA VALLEY TRIBE)	No.
)	
-VS-)	
)	NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN
)	CONSENT DECREE
<u>participant name</u>)	
)	
)	

This agreement was made and entered into this ____th day of ____, ____, between the juvenile outreach intake officer, and juvenile and parent/guardian/custodian and Hon. Na:tini-x'we' Na:xo'-xi-nayi-din court chief judge.

It is hereby agreed by juvenile and his parent, guardian, or custodian as follows:

I. The Na:tini-x'we' Na:xo'-xi-nayi-din court Has Subject Matter Jurisdiction

1. The name, birth date, residence, and tribal affiliation of the child;
2. The names, residences, and tribal affiliations of the child's parent(s), guardian or custodian;
3. The name, birth date, residence, and tribal affiliation of other eligible family or household members (if they are consenting to participate in the Na:tini-x'we' Na:xo'-xi-nayi-din court);
4. The delinquent act alleged, the factual allegations that the family is in need of services, or the disposition order giving the Na:tini-x'we' Na:xo'-xi-nayi-din court its subject matter jurisdiction;
5. A finding of legal eligibility for Na:tini-x'we' Na:xo'-xi-nayi-din court participation; and
6. A finding of clinical eligibility for Na:tini-x'we' Na:xo'-xi-nayi-din court participation.

II. Participant Agreement

7. I will not commit a delinquent act or violate any tribal, state, or federal law;
8. I will not possess or drink any alcoholic beverages or possess or use illegal drugs;
9. I will maintain contact with the juvenile outreach/intake officer, alcohol and drug counselor, and family advocate as needed and will present any problems or concerns as soon as possible;
10. I will attend classes, counseling, groups, and other required activities that will assist me in preparing for an alcohol and drug free lifestyle;
11. I will be responsible for my actions;
12. I will appear in the Hoopa Valley Tribe Na:tini-x'we' Na:xo'-xi-nayi-din court as directed and will pay court fees for each court session;
13. I will submit to alcohol and/or drug tests as required by the juvenile outreach/intake officer, and I understand that I may be sanctioned for noncompliance, tampering or positive tests;
14. I understand that this agreement is in effect from this date until I complete the Na:tini-x'we' Na:xo'-xi-nayi-din court program; and

15. I understand that if I fail to abide by this agreement, the juvenile outreach/intake officer may be required to file a petition with the juvenile court and/or the juvenile court may order alternative dispositions or refer me to the proper state authorities for further action.

III. Parent, Guardian, or Custodian Agreement

16. I recognize that alcohol and/or drug abuse is a family problem, and I will educate myself on its impact on children and families;
17. I recognize that if I use alcohol and/or drugs, my use can seriously harm my children;
18. I will provide appropriate role models that do not condone alcohol and/or drug use;
19. I will learn to recognize the signs of drug and alcohol use in children and will respond with appropriate sanctions;
20. I will provide a substance free home environment that will promote recovery;
21. I will establish and enforce behavioral ground rules;
22. I will convey a sense of care, support, respect and love; and
23. I will be actively involved in the development of the child's treatment plan, family treatment and counseling, and other required activities.

IV. Limited Waiver of Confidentiality for Na:tini-x'we' Na:xo'-xi-nayi-din Court Purposes

I, participant name, hereby consent to communication with Na:tini-x'we' Na:xo'-xi-nayi-din court judges, juvenile outreach/intake officer, alcohol and drug counselor, family advocate, and juvenile court personnel.

The purpose of and need for this disclosure is to inform the court and other above-named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance, and progress in accordance with the Na:tini-x'we' Na:xo'-xi-nayi-din court monitoring criteria.

Disclosure of this confidential information may be made only as necessary for and pertinent to hearings and/or reports concerning cited delinquent act or cited provisions for family in need finding and case file number.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Na:tini-x'we' Na:xo'-xi-nayi-din court for the case named above, such as the discontinuation of all court supervision upon my successful completion of the Na:tini-x'we' Na:xo'-xi-nayi-din court requirements or upon revocation of admission for violating the terms of my Na:tini-x'we' Na:xo'-xi-nayi-din court involvement.

I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient (or client) records, and that recipients of this information may re-disclose it only in connection with other official duties.

Date

Signature of Court Team Participant

Date

Signature of Participant

Date

Signature of Parent, Guardian or Custodian

Date

Signature of Na:tini-x'we' Na:xo'-xi-nayi-din Chief Judge

10. NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN TREATMENT PLAN

A. Clinical Assessment & Individualized Treatment Plan

A trained professional as designated for this purpose by the Court or any health related tribal department on a list of names to be maintained by the Court shall undertake a clinical assessment using standardized assessment tools (questionnaires) for each participant. The professional shall draft an assessment report containing a recommended individualized treatment plan for each participant.

B. Assessor's Duty to Timely Assess & Individualize Treatment Plan and Breach of Duty

Failure to clinically assess a participant within one (1) week of the Na:tini-x'we' Na:xo'-xi-nayi-din judge's signing of the Na:tini-x'we' Na:xo'-xi-nayi-din consent decree, and to draft an assessment report containing a recommended individualized treatment plan within 24 hours of the completion of the assessment constitutes a breach of duty to the Na:tini-x'we' Na:xo'-xi-nayi-din participant subjecting responsible tribal agencies to limited fines not to exceed \$500.00.

C. Contents of Treatment Plan

Each Na:tini-x'we' Na:xo'-xi-nayi-din treatment plan shall contain a combination of educational and therapeutic activities including any combination of the following, based upon recommendations derived from the results of the clinical assessment, provided that every treatment plan, at minimum, shall include numbers 1, 2, 3, and 5 below:

1. classes on the effects of alcohol and drug use on the mind, body, and spirit (alcohol and drug education);
2. individual and/or family counseling;
3. facilitated group meetings with the goal of teaching participants how they currently make decisions and how to make healthy decisions in the future (cognitive behavioral therapy);
4. other classes and groups that focus on specific topics;
5. individual counseling to plan how the participant will identify what triggers the urge to use alcohol and/or drugs, and to develop an individualized relapse plan to deal with such urges (relapse prevention);
6. support groups (such as Alcoholics Anonymous and Alateen)
7. elder or peer mentoring;
8. hunting, fishing, and/or culture camps;
9. other traditional activities that the tribe may require; and
10. other activities as the Na:tini-x'we' Na:xo'-xi-nayi-din court team may from time to time approve.

D. Case Management

The social worker shall make a home visit to meet with the child, his parent(s), guardian, or custodian, and other eligible family or household member(s) each month, beginning with the child's admission into the Na:tini-x'we' Na:xo'-xi-nayi-din court, to assist the household in identifying the need for, and obtaining, financial, medical, vocational, and/or other vital services and assistance.

E. Judicial Supervision, Consistent Supervision, & Training

The Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall hold weekly pre-hearing staffing conferences with the Na:tini-x'we' Na:xo'-xi-nayi-din court team, followed by weekly Na:tini-x'we' Na:xo'-xi-nayi-din court status hearings to supervise each participant's attendance and progress in required treatment plan counseling and/or activities under section 10A. The same Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall be assigned to supervise individual participants from Na:tini-x'we' Na:xo'-xi-nayi-din court admission to graduation or revocation of admission. The Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall obtain training with respect to all classes, groups, or other activities required by the Na:tini-x'we' Na:xo'-xi-nayi-din treatment plan.

F. Na:tini-x'we' Na:xo'-xi-nayi-din Court Incentives

The Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall consistently apply any of the following rewards (incentives) for progress:

1. verbal praise;
2. graduating a participant to a new treatment level;
3. requiring attendance at fewer Na:tini-x'we' Na:xo'-xi-nayi-din court status hearings;
4. requiring less alcohol and/or drug testing;
5. gifts;
6. traditional recognition or gifts for achieving; and
7. any other rewards approved by the Na:tini-x'we' Na:xo'-xi-nayi-din court team.

G. Na:tini-x'we' Na:xo'-xi-nayi-din Court Sanctions

The Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall consistently apply any of the following sanctions for non-compliance or failed or tampered with alcohol and/or drug tests:

1. verbal reprimands;
2. sending a participant back to an earlier treatment level;
3. requiring attendance at more frequent Na:tini-x'we' Na:xo'-xi-nayi-din court status hearings;
4. requiring more frequent alcohol and/or drug testing;
5. specific tasks that cause the participant to reflect or learn (such as apology letters, journals, or research papers);
6. community service activities;
7. traditional punishments or activities; and
8. any other sanctions approved by the Na:tini-x'we' Na:xo'-xi-nayi-din court team.

11. NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT WEEKLY PROCEDURE

A. Weekly Staffing Conference

Weekly staffing conferences shall be held on the same day prior to weekly Na:tini-x'we' Na:xo'-xi-nayi-din court status hearings. The Na:tini-x'we' Na:xo'-xi-nayi-din court team shall attend the weekly status conferences. The purpose of the Na:tini-x'we' Na:xo'-xi-nayi-din staffing conference is to update the judge on the progress and needs of each

participant in his treatment plan, to report the results of weekly random alcohol and/or drug testing, and to discuss possible incentives and sanctions for non-compliance, tampered with or failed tests, and also to reward progress. These sanctions and incentives shall be applied by the judge in the status hearing later that same day. The team shall also make concrete arrangements to assist the participants in areas of identified need.

B. Weekly Na:tini-x'we' Na:xo'-xi-nayi-din Court Status Hearing

The appointed Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall preside over the weekly Na:tini-x'we' Na:xo'-xi-nayi-din court status hearings. The Na:tini-x'we' Na:xo'-xi-nayi-din court team shall attend the Na:tini-x'we' Na:xo'-xi-nayi-din court status hearings. The general purpose of the weekly Na:tini-x'we' Na:xo'-xi-nayi-din court status hearing is to provide participants with judicial guidance and mentoring to build an ongoing relationship with participants and guide them through the healing process. Specifically, the purpose is to judicially monitor whether the participants are attending their required treatment sessions and activities, to review their weekly random alcohol and/or drug test results, and to formally reward or punish participants for progress, non-compliance, or relapse in moving through their treatment plan.

C. Weekly Random Alcohol and/or Drug Testing

All individuals admitted to participate in the Na:tini-x'we' Na:xo'-xi-nayi-din court program shall be randomly alcohol and/or drug tested on a weekly basis. The results of such testing shall be reported to the judge at the weekly case staffing conferences.

D. Weekly Pre-Hearing and/or For Cause Drug Testing

All individuals admitted to participate in the Na:tini-x'we' Na:xo'-xi-nayi-din program may be alcohol and/or drug tested for good cause at anytime, including and prior to status hearings, during the Na:tini-x'we' Na:xo'-xi-nayi-din court program. The probation officer has good cause to undertake such testing when he observes signs or behavior or detects odors that would lead a reasonable person to believe that a person is possessing or using alcohol and/or drugs.

12. REVOCATION OF ADMISSION TO NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT

A. Hearing to Revoke Admission to Na:tini-x'we' Na:xo'-xi-nayi-din Court

The designated Na:tini-x'we' Na:xo'-xi-nayi-din court hearing judge shall also preside over the Na:tini-x'we' Na:xo'-xi-nayi-din court revocation hearing. The purpose of the Na:tini-x'we' Na:xo'-xi-nayi-din court revocation hearing is to determine whether a Na:tini-x'we' Na:xo'-xi-nayi-din court participant should be expelled from the Na:tini-x'we' Na:xo'-xi-nayi-din court program. Grounds for expulsion include:

1. Conviction of a violent felony in any tribal, state or federal court;
2. The filing of a formal charge for a crime of violence in state or federal court subsequent to Na:tini-x'we' Na:xo'-xi-nayi-din court admission; or
3. Failure to substantially comply with the terms of the Na:tini-x'we' Na:xo'-xi-nayi-din consent decree and/ or treatment plan.

B. Notice of Hearings

Notice of all Na:tini-x'we' Na:xo'-xi-nayi-din court hearings shall be given to the child, the child's parent, guardian or custodian, their counsel, and any other person the court deems necessary for the hearing at least five (5) days prior to the hearing in accordance with sections 8D and 8E of this code.

C. Content of the Summons

The summons shall contain the name of the court, the title of the proceedings, and the date, time, and place of the hearing. The summons shall also advise the parties of their applicable rights under Chapter 6 of this Code. A copy of the petition shall be attached to the summons.

D. Service of the Summons

The summons shall be served upon the parties at least five (5) days prior to the hearing. The summons shall be delivered personally by a law enforcement official or appointee of the court. If the summons cannot be delivered personally, the court may deliver it by registered mail. If the summons cannot be delivered by registered mail, service may be by publication. A party, other than the child, may waive service of summons by written stipulation or by voluntary appearance at the hearing.

13. SUCCESSFUL COMPLETION OF NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT PROGRAM

A. Na:tini-x'we' Na:xo'-xi-nayi-din Court Graduation

Upon successful completion of all Na:tini-x'we' Na:xo'-xi-nayi-din consent decree and treatment plan requirements, participants will be formally recognized and praised for graduating from the Na:tini-x'we' Na:xo'-xi-nayi-din court program during the weekly Na:tini-x'we' Na:xo'-xi-nayi-din court status hearings. Formal recognition may include a graduation dinner, a certificate of graduation, meaningful traditional or other gifts, or other items or arrangements as the Na:tini-x'we' Na:xo'-xi-nayi-din court team designs and undertakes. Upon graduation the Na:tini-x'we' Na:xo'-xi-nayi-din court judge shall issue a written Na:tini-x'we' Na:xo'-xi-nayi-din court completion order that shall be formally filed in the juvenile court files. This will also be filed in the Na:tini-x'we' Na:xo'-xi-nayi-din court.

B. Contents of Na:tini-x'we' Na:xo'-xi-nayi-din Court Order of Successful Completion

The order shall be titled "Order of Successful Completion of the Na:tini-x'we' Na:xo'-xi-nayi-din Court of the Hoopa Valley Tribe." The order of completion shall set forth with specificity:

1. the name, birth date, residence, and tribal affiliation of the child;
2. the names, residences, and tribal affiliations of the child's parent(s), guardian or custodian;

3. the name, birth date, residence, and tribal affiliation of other eligible family or household members (if they are graduates of the Na:tini-x'we' Na:xo'-xi-nayi-din court program);
4. the finding of legal eligibility for Na:tini-x'we' Na:xo'-xi-nayi-din court participation;
5. the finding of clinical eligibility for Na:tini-x'we' Na:xo'-xi-nayi-din court participation;
6. a statement that the participant has successfully completed the general requirements of the consent decree and treatment plan; and
7. signature line for the Na:tini-x'we' Na:xo'-xi-nayi-din court judge.

14. NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT RECORDS

The Na:tini-x'we' Na:xo'-xi-nayi-din court coordinator shall establish and maintain both a paper filing system and a computer database to track information for all participants of the Na:tini-x'we' Na:xo'-xi-nayi-din court (before, during and after participation). This information will be used to monitor program effectiveness, to make improvements to the program, and to demonstrate program innovations or success, and to acquire further funding. The forms and computer database shall be designed to collect and report on the following information:

1. Name, age, birth date, sex, tribe, grade in school, and the name of the school of the participant;
2. Whether the participant is living w/parents, has children, or is employed before and during Na:tini-x'we' Na:xo'-xi-nayi-din court participation and names of the participant's parent(s), guardian, or custodian, or other eligible family or household members and extended family as available or appropriate;
3. The specific delinquent act or family in need provision underlying Na:tini-x'we' Na:xo'-xi-nayi-din court admission;
4. The criteria met for legal and clinical eligibility (list the specific clinical screening tool used);
5. Dates of all court hearings and orders and types of orders;
6. Date of admission, date of physical, health issues upon admission;
7. Documented incidents in school, absence rate, grades, etc.;
8. The specific treatment plan requirements for each participant (classes, counseling, groups, support groups, mentoring, outdoor programs, etc.);
9. The specific beginning dates for each phase of treatment and phase graduation dates;
10. Changes in grades, grade level, school incidents, and absence and dropout dates;
11. Date of expulsion from the Na:tini-x'we' Na:xo'-xi-nayi-din court program;
12. Date of re-admission to the Na:tini-x'we' Na:xo'-xi-nayi-din court program;
13. Date of each alcohol and/or drug test and results;

14. Dates of new reports of delinquent acts;
15. Dates of arrest;
16. Dates of changes in employment;
17. Number of babies born to participants alcohol and drug free;
18. Dates of required status hearings and appearances by participants and their parent(s), guardian, or custodian, or other eligible family or household members;
19. Date and type of sanction issued and for what act or omission;
20. Date and type of incentive awarded and for what act or omission;
21. Attendance record for each treatment plan requirement (classes, counseling, groups, support groups, mentoring, outdoor programs, etc.);
22. Date and type of post-participation report of juvenile act or family in need provision;
23. Date and type of act of post-participation detentions or arrests;
24. Dates of post-participation truancy;
25. Dates and types of post-participation alcohol and drug counseling or other treatment; and
26. Post-participation employment and income level.

15. BI-ANNUAL NA:TINI-X'WE' NA:XO'-XI-NAYI-DIN COURT REVIEW

Beginning with Na:tini-x'we' Na:xo'-xi-nayi-din court operations, a bi-annual court review shall be conducted by the juvenile court advisory board to review and improve court operations. The advisory board will consist of three persons appointed by the tribal council for this purpose. The court coordinator shall generate a report (based on the information collected by Na:tini-x'we' Na:xo'-xi-nayi-din court forms and maintained in the Na:tini-x'we' Na:xo'-xi-nayi-din court database) on current and past participants for review by the advisory board.

CERTIFICATION

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council, do hereby certify: that the Hoopa Valley Tribal Council is composed of eight members, of which seven (7) were present, constituting a quorum, at a Regular Meeting thereof, duly and regularly called, noticed, convened, and held this 24th day of October, 2002; that this Ordinance was adopted at said meeting by a vote of five (5) for and one (1) against; and that since its adoptions this Ordinance has not been altered, rescinded, or amended in any way.

DATED THIS 24TH DAY OF OCTOBER, 2002.

CLIFFORD L. MARSHALL, CHAIRMAN
HOOPA VALLEY TRIBAL COUNCIL

ATTEST:

DARCY B. MILLER, EXECUTIVE SECRETARY
HOOPA VALLEY TRIBAL COUNCIL